

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:)	
)	Bankruptcy No. 16-24213 CMB
Kevin R. Schade)	
)	
	Debtor (s))
Kevin R. Schade)	Chapter 13
)	
	Movant(s))
v.)	Docket No.
)	
United Guaranty Residential Insurance Co.)	
of North Carolina, PNC Bank National)	
Association, Westmoreland County Tax)	
Claim Bureau, and Ronda J. Winnecour,)	
Trustee)	
	Respondent(s))

**MOTION FOR APPROVAL OF SALE FREE AND CLEAR OF ALL LIENS,
CLAIMS, AND ENCUMBRANCES**

COMES NOW, Kevin R. Schade, by and through their attorneys, Scott R. Lowden, Esquire, and Rice & Associates Law Firm, and move this Court to enter an Order Approving the sale of property free and clear of all liens, claims and encumbrances, and in support thereof avers as follows:

1. Movant(s), Kevin R. Schade, filed a voluntary petition for relief under Chapter 13 of Title 11 of the United States Code.
2. This Court has jurisdiction over this motion filed pursuant to 28 U.S.C. Section 1334, 28 U.S.C. Section 157, and 11 U.S.C. Section 363.
3. The Respondents, which may hold liens, claims and encumbrances against the property to be sold are: (1) United Guaranty Residential Insurance Co. of North Carolina, c/o Arch Mortgage Insurance Co., 230 N. Elm Street, Greensboro, NC 27401, with an approximate balance in the amount of

\$38,350.00. (2) PNC Bank National Association, PO Box 94982, Cleveland, OH 44101, with an approximate balance in the amount of \$2,000.00. (3) Westmoreland County Tax Claim Bureau, 2 N. Main Street, Suite 406, Greensburg, PA 15601, to be paid for real estate taxes pro-rated to the closing date.

4. The Movant, Kevin R. Schade (debtor) is the sole owner of a single-family residence at 88 Lincoln Avenue, N. Irwin, PA 15642. The realtor for the debtor listed the property for sale in the amount of \$139,900.00. The property appears on Debtor's Schedule A, and is located in Westmoreland County, PA, at ID No. 27-01-03-0-024. The Movant(s) have filed amended Schedules B & C to exempt \$22,654.00 in the property (DN 91)..
5. An Application to Employ Realtor, Angela Chorba, was filed on December 9, 2020 (DN 88), with a hearing date scheduled for January 6, 2021. The Trustee has filed a response to the Application (DN 90).
6. The Movant(s) have received an offer to purchase the property from Dawn M. Dillman and Anna N. Clapper for the sum of \$139,900.00. The purchaser has no relationship to the Debtor. The anticipated closing date is February 12, 2021. The "Standard Agreement for the Sale of Real Estate", and the "Seller Estimated Return at Settlement" are attached as Exhibit "A".
7. The consideration under the proposed purchase is \$139,900.00, which will leave estimated net proceeds of \$113,314.00 (per the "Seller Estimated Return at Settlement). From these proceeds, the Trustee shall pay the

mortgage obligation owed to United Guaranty Residential Insurance Co. of North Carolina (approx. \$38,350.00), along with the mortgage obligation owed to PNC Bank National Association (approx. \$2,000.00).

These mortgage obligations shall be paid by the Trustee, not by the closing agent. From this amount the sum of **\$22,654.00** shall be paid to Kevin R. Schade (exemption amount), The amount to the Chapter 13 Trustee for trustee percentage fees to be determined by the hearing date, and the remaining funds after payment of all other obligations pursuant to the proposed Order Approving Sale to the Chapter 13 Trustee, Ronda J. Winnecour, for plan funding.

8. The Movants believe and aver that the proposed sale under the terms and conditions of the Agreement of Sale is fair and reasonable.
9. Counsel for Debtor requests additional attorney fees beyond the no-look fee, to Nicotero & Lowden PC, for additional legal services and expenses rendered in this case in the amount of \$3,877.00 as reflected in the attached Exhibit "B".
10. The Debtor shall file an amended plan after completion of the sale to provide for funding to complete the plan.

WHEREFORE, Movants respectfully request that this Honorable Court enter an Order approving the sale of the property to Dawn M. Dillman and Anna N. Clapper, free and clear of all liens, claims and encumbrances.

Respectfully Submitted

December 21, 2020
Date

/s/ Scott R. Lowden
Scott R. Lowden
Nicotero & Lowden, PC
3948 Monroeville Blvd., Suite 2
Monroeville, PA 15146
(412) 374-7161
niclowlg@comcast.net
PA I.D.# 72116